

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----x CASE NO.: 2:10-cv-04165-ADS-ETB

JOHN T. CORPAC, an individual; on behalf
of himself and all others similarly situated,

Plaintiffs,

-against-

ANSWER

RUBIN & ROTHMAN, LLC et al.,

Defendants

-----x
Defendant, RUBIN & ROTHMAN, LLC., answering the Plaintiff's First Amended
Complaint dated October 10, 2010 ("hereinafter Plaintiff's Amended Complaint"), sets forth as
follows:

1. In regard to the allegations set forth in paragraphs 15 and 17 of Plaintiff's Amended Complaint, leave to the Court all determinations in regard to proper jurisdiction and venue.
2. In regard to the allegations set forth in paragraphs 83 and 84 of Plaintiff's Amended Complaint, refer to the *Crossly v. Lieberman* decision set forth therein.
3. Admit the allegations set forth in paragraphs 5, 6, 9, 10, 11, 12, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 40, 41, 47, 48, 54, 55, 64, 65 and 74 of Plaintiff's Amended Complaint.

4. Deny the allegations set forth in paragraphs 1, 2, 3, 13, 14, 16, 29, 35, 36, 37, 38, 46, 52, 53, 63, 68, 73, 75, 76, 78, 80, 81, 98, 99, 100 and 101 of Plaintiff's Amended Complaint.
5. Deny knowledge or information sufficient to form a belief as to the allegations set forth in paragraphs 28, 44, 51, 56, 62, 66, 72 and 79 of Plaintiff's Amended Complaint.
6. In regard to the allegations set forth in paragraphs 4 and 7 of Plaintiff's Amended Complaint, admit the assertions therein regarding the FDCPA and Congressional intent in conjunction therewith but deny that the Defendant Rubin & Rothman, LLC engages in any of the improper debt collection behavior described in these paragraphs.
7. In regard to the allegations set forth in paragraph 8 of Plaintiff's Amended Complaint, deny that the Plaintiff and the putative class is entitled to any of the damages or relief set forth in this paragraph.
8. In regard to the allegations set forth in paragraphs 30, 31, 32, 33, 34, 39, 42, 43, 45, 49, 50, 57, 58, 59, 60, 61, 67, 69, 70 and 71 of Plaintiff's Amended Complaint, refer to the specific letters and court documents set forth in said paragraphs for the true contents thereof.

9. In regard to the allegations set forth in paragraphs 86 through 96 of Plaintiff's Amended Complaint, deny each and every paragraph therein as this action is not proper for class action treatment under Fed. R. Civ. P. 23 and the FDCPA.
10. In regard to the allegations set forth in paragraph 77 of Plaintiff's Amended Complaint, refer to any and all court records which may indicate the filing of any lawsuit(s) by the Defendant Rubin & Rothman, LLC.
11. In regard to the allegations set forth in paragraph 97 of Plaintiff's Amended Complaint, incorporate by reference each and every paragraph set forth heretofore herein.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

12. Any violation of the FDCPA was not intentional and resulted from a bona fide error
Notwithstanding the maintenance of procedures reasonably adopted to avoid any such error.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

13. The herein action was brought in bad faith and for the purpose of harassment.

DATED: Islandia, New York
December 28, 2010

/ s /
RUBIN & ROTHMAN, LLC
1787 Veterans Highway
Islandia, New York 11749
BY: Joseph Latona, Esq.
(JL 3486)

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